



## Northwest Justice Project

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César E. Torres  
Executive Director

May 29, 2014

Mr. Reginald Haley  
Office of Program Performance  
Legal Services Corporation  
3333 K Street NW  
Washington, D.C. 20007

VIA EMAIL

Re: Comment on Proposed Revision to Grant Assurance No. 15

Dear Mr. Haley:

I am writing on behalf of the Northwest Justice Project (NJP), LSC's grantee for the State of Washington. NJP is concerned by the proposed change to Grant Assurance No. 15 that would add the term "time" to the list of thefts of recipient property reportable to LSC. While we think we understand the purpose of this addition, we also find it conceptually very confusing and unnecessary to ensure that employee wage theft (which we think this actually refers to) is included in the "theft involving...LSC and non-LSC funds."

The inclusion of the word "time" is confusing in the implementation and bootstraps what might otherwise be a personnel matter (which admittedly must be managed and addressed) into a compliance matter. This is particularly true with respect to the application of State wage and hour laws. Specifically, professional and executive staff are deemed to be exempt salaried employees when it comes to State wage and hour laws. While advocate staff are required to track and record case, matter and supporting activity time contemporaneously for accountability, allocations, the LSC timekeeping regulation and for contract billing purposes, as salaried employees, they are not actually being paid by the hours recorded. Salaried advocates and other professional staff members often work and record far in excess of NJP's regular office hours (35 hours per week). Adding "time" language to the Grant Assurance would suggest that any time sheet or timekeeping errors of a few hours may be considered a theft of time and require reporting to LSC.

Finally, it is unclear if LSC intends to entangle itself in day-to-day personnel issues such as isolated incidents of employee tardiness and timesheet errors. If LSC adopts the proposed revision adding "time" to Grant Assurance No. 15, it will require a clear definition and detailed LSC guidance as to what constitutes "theft of time" by an exempt (salaried) and a non-exempt (hourly) employee and how grantees would uniformly determine and calculate a \$200 loss for reporting it to LSC.

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In sum, we believe the proposed addition is both unnecessary and unclear, and creates undue burdens on program administration. Thank you for the opportunity to comment on this issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Deborah Perluss", with a long horizontal flourish extending to the right.

Deborah Perluss  
Director of Advocacy/General Counsel

C: César E. Torres, Executive Director  
Steve Pelletier, Director of Finance